

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the indication that the drawings are acceptable, for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449, and for the acknowledgment of Applicant's Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Applicant acknowledges with appreciation the indication that claim 10 is allowable, and that claims 2-5, 7 and 9 contain allowable subject matter, on pages 3 and 4 of the Official Action.

Upon entry of the above amendments, claims 1, 3, 5, 7, 9 and 11 will have been amended. Claims 1-11 are currently pending. Applicant respectfully requests reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

Applicant notes that claims 3, 5, 7 and 9 have been amended to place them into independent form, which the Examiner has indicated as being allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections, and an early indication of the allowance of claims 1-11.

On pages 2 and 3 of the Official Action, claims 1, 6, 8 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by TEARNEY et al. (U.S. Patent No. 6,831,781).

Applicant respectfully traverses the rejection of claims 1, 6, 8 and 11 under 35 U.S.C. § 102(e).

Applicant notes that claims 1 and 11 each recite, inter alia, “a single dispersing prism that receives the light collimated by the collimating lens and disperses the received light in a predetermined direction without any internal reflection, light emerged from the dispersing prism and having the same wavelength being kept collimated”.

Applicant submits that TEARNEY et al. lacks any disclosure of a *single* dispersing prism that disperses the received light in a predetermined direction *without any internal reflection*. In this regard, Applicant notes that TEARNEY et al. discloses a single prism 80 which does provide *internal reflection* as shown in the embodiment of Fig. 11. Further, Applicant notes that the embodiments depicted in Figs. 10, 16 and 17 of TEARNEY et al. each include multiple prism arrangements. Accordingly, Applicant submits that none of the embodiments disclosed in TEARNEY et al. include a *single* dispersing prism *without any internal reflection*.

Applicant also submits that dependent claims 6 and 8, which are at least patentable due to their dependency from claim 1 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record. For example, Applicant submits that TEARNEY et al. lacks any disclosure of a driving mechanism that drives the light converging optical system in a direction perpendicular to the optical axis of the converging optical system and the predetermined direction. In this regard, Applicant notes that TEARNEY et al. only discloses moving the “light converging” objective lens 14 in the z-direction (i.e., along its axis), rather than in a direction perpendicular to the optical axis of the converging optical system and the predetermined direction. Note column 5, lines 50-52. In this regard, Applicant submits

P24607.A03

that the remainder of the scanning motion discussed at column 5, lines 42-58 of TEARNEY et al. does not involve movement of the light converging optical system.

Applicant respectfully submits that the rejection of claims 1, 6, 8 and 11 under 35 U.S.C. § 102(e) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of all of the pending claims.

COMMENTS ON REASONS FOR ALLOWANCE

In regard to the Examiner's indication of allowable subject matter in claims 2-5, 7, 9 and 10 on pages 3 and 4 of the Official Action, Applicant does not disagree with the Examiner's indication that the prior art fails to disclose or render obvious various features of these claims. However, Applicant wishes to make clear that the claims in the present application recite a combination of features, and that the patentability of these claims is also based on the totality of the features recited therein, which define over the prior art. Thus the reasons for allowance should not be limited to those mentioned by the Examiner.

SUMMARY AND CONCLUSION

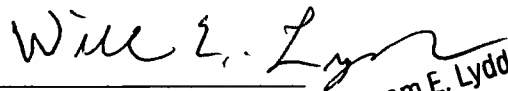
Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Rogerio Jun MIZUNO


Bruce H. Bernstein
Reg. No. 29,027
William E. Lyddane
Reg. No. 41,568

December 28, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191